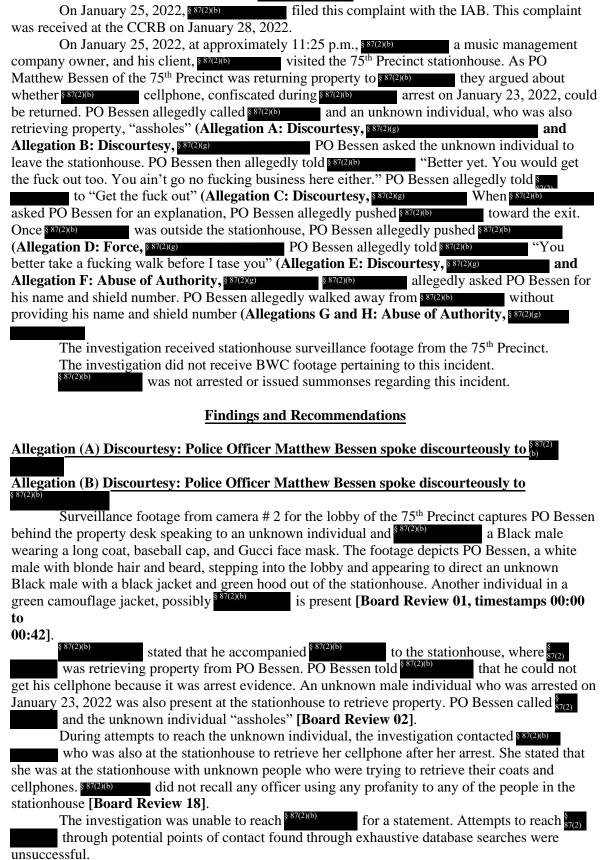
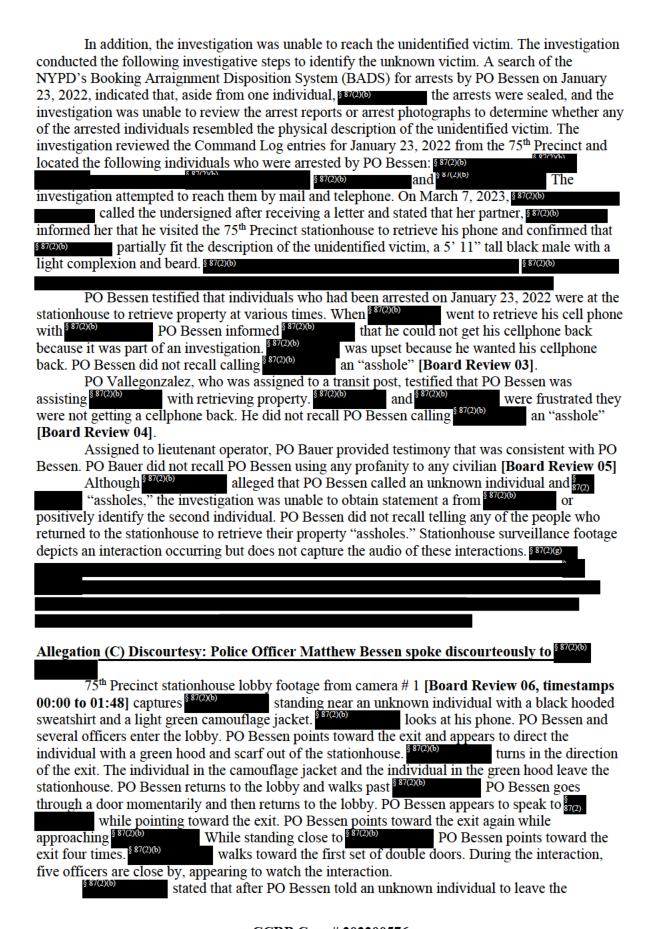
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:		CCRB Case #:	☑	Force	\checkmark	Discourt.		U.S.
Michael Talisayan		Squad #11		202200576	☑	Abuse		O.L.		Injury
Incident Date(s)		Location o	of Incident:			18 N	Io. SC	DL	F	Precinct:
Tuesday, 01/25/2022 11:25 PM	75th Precinct stationhor		use		7/2	7/25/2023			75	
Date/Time CV Reported		CV Repor	ted At:	How CV Reported	:	Date/Tim	e Rece	ived at CCI	RB	
Tue, 01/25/2022 11:52 PM		IAB		Phone		Fri, 01/28	3/2022	12:13 PM		
Complainant/Victim	Туре	I	Home Addre	ess						
Witness(es)		I	Home Addre	ess					_	
Subject Officer(s)	Shield	7	TaxID	Command						
1. PO Matthew Bessen	14934	9	067774	075 PCT						
Witness Officer(s)	Shield N	o T	ax No	Cmd Name						
1. PO Alfredo Vallegonzalez	26408	90	65589	075 PCT						
2. PO Sean Bauer	06919	9:	54533	075 PCT						
3. SGT Krystle Kingston	01751	94	48177	075 PCT						
Officer(s)	Allegatio	on				Inv	estiga	tor Recon	nme	ndation
A . PO Matthew Bessen	Discourt discourte	esy: Police cously to §87	Officer Matt	hew Bessen spoke						
B . PO Matthew Bessen	Discourt	esy: Police		hew Bessen spoke						
C . PO Matthew Bessen	Discourtesy: Police Officer Matthew Bessen spoke discourteously to \$857(2)(0)									
D . PO Matthew Bessen	Force: Police Officer Matthew Bessen used physical force against \$87(2)(6)									
E . PO Matthew Bessen		esy: Police eously to §87		hew Bessen spoke						
F . PO Matthew Bessen		olice Office		Bessen threatened § 8	7(2)(b)					
G . PO Matthew Bessen	Abuse: F	olice Office		Bessen refused to pro	ovid	e his				
H . PO Matthew Bessen	Abuse: F			Bessen refused to pro	ovid	e his				

Case Summary



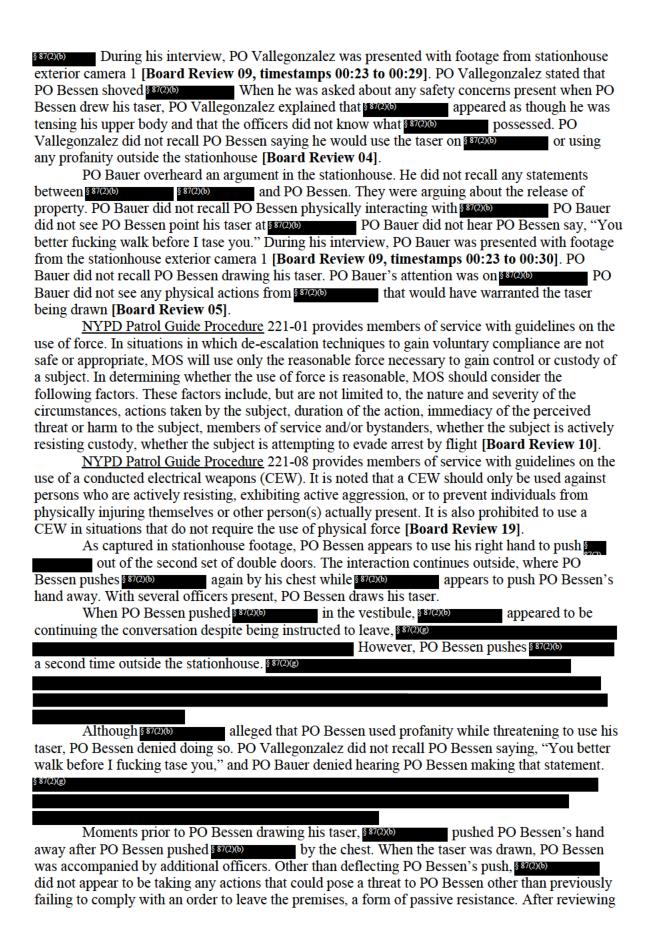


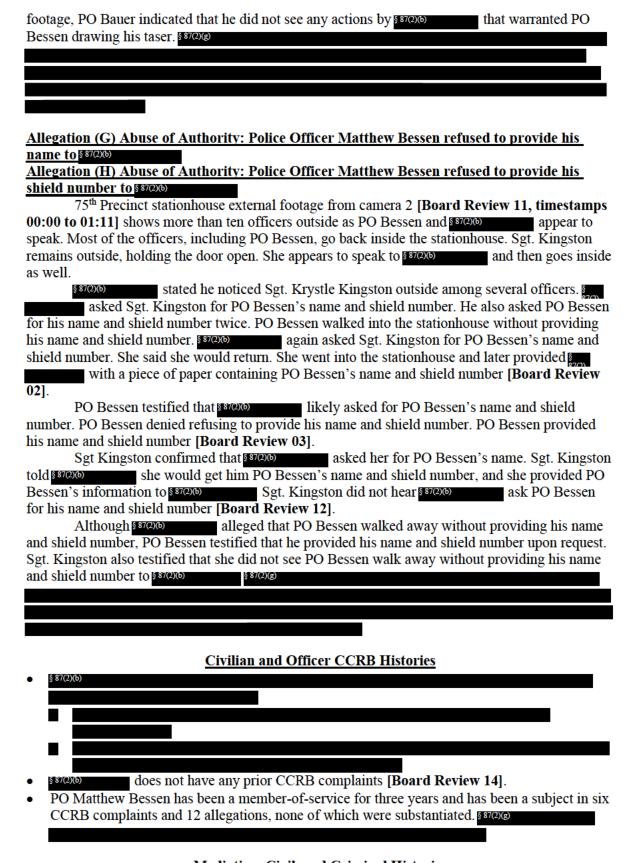
stationhouse, PO Bessen walked up to \$5000 who was not doing anything but standing by
stationhouse, PO Bessen walked up to \$37000 who was not doing anything but standing by the property window. PO Bessen told \$37000 "Better yet. You would get the fuck out too.
You ain't got no fucking business here either. PO Bessen told \$370,000 to "Get the fuck out."
asked for an explanation. PO Bessen said, "Because I said so. Get out of the
building." \$87(2)(6) who was not yelling, continued to ask for an explanation. \$87(2)(6)
did not initially leave and continued to speak to PO Bessen [Board Review 02].
PO Bessen testified that when \$87(2)(b) realized that \$87(2)(b) was not getting his
cellphones back, \$87(2)(0) told PO Bessen that he was \$87(2)(0) attorney and that \$
better get his property back. PO Bessen asked \$87000 to identify himself.
said that it was none of PO Bessen's business. PO Bessen asked 1870 if he had
business at the stationhouse. \$87(2)(0) said that he was \$87(2)(0) attorney. PO Bessen
asked \$57000 refused and became irate and was raising his voice. PO Bessen did not recall what \$57000 said. PO Bessen asked \$57000 refused and became irate and was
raising his voice. PO Bessen did not recall what \$87(2)(6) said. PO Bessen asked
to leave multiple times. would not leave. would not leave.
"If you touch me, I'll fuck you up." PO Bessen told that he did not have any lawful
business in the stationhouse. He might have used profanity during this heated and hostile situation.
He did not recall, however [Board Review 03].
PO Vallegonzalez testified that \$87000 and \$87000 argued with PO Bessen
about the return of \$87(2)(0) phone. After the conversation appeared to be going nowhere, PO
Bessen asked them to leave. \$87(2)(b) became upset and loud. PO Vallegonzalez did not recall
PO Bessen using any profanity to \$870,00 in the stationhouse [Board Review 04].
PO Bauer overheard an argument between \$87(2)(0) and PO Bessen. PO
Bauer did not recall any statements, but voices were raised. PO Bauer did not recall PO Bessen
using profanity to [Board Review 05].
NYPD Administrative Guide 304-11 indicates that members of service must interact with
members of the public in a professional manner [Board Review 07]. DAO-DCT Case Number
2018-18951 [Board Review 08] states that profane remarks made during stressful, violent
confrontations or while an officer is trying to gain control of a chaotic situation, are not misconduct.
Station house feature depicts DO Dessen and EXCON.
Stationhouse footage depicts PO Bessen and speaking to one another. PO
Bessen gestures for \$870,00 to leave, pointing toward the exit. \$870,00 alleged that PO
Bessen used profanity while telling him to leave, and PO Bessen acknowledged that he might have
used profanity. § 87(2)(g)
This interaction was neither chaotic nor
stressful given that PO Bessen was near five officers and \$87(9)6 did not appear to be doing
anything other than speaking to PO Bessen. SSZZZ
Allegation (D) Force: Police Officer Matthew Bessen used physical force against [887(2)(6)]
Antegation (B) Torce. Tonce officer Matthew Bessel used physical force against
Allegation (E) Discourtesy: Police Officer Matthew Bessen spoke discourteously to \$87(2)(6)
Anegation (E) Discourtesy. I once Officer wratthew bessen spoke discourteously to
Allogation (E) Abuse of Authority: Police Officer Matthew Dessen threatened
Allegation (F) Abuse of Authority: Police Officer Matthew Bessen threatened
with the use of force.
75th Precinct stationhouse lobby footage from camera 1[Board Review 06, timestamps
01:10 to 01:47] captures PO Bessen pointing multiple times toward the exit of the stationhouse,
appearing to instruct \$87(2)(b) to leave. \$87(2)(b) walks into the vestibule, and PO
Bessen follows. They appear to speak in the vestibule. PO Bessen raises his hand chest-level. PO
Bessen appears to push \$87(2)(b) by the lower chest area. \$87(2)(b) takes a step back.
Bessen appears to push \$87(2)(0) by the lower chest area. \$87(2)(0) takes a step back, opening the door with his back. It is unclear whether \$87(2)(0) made contact with PO Bessen
given that the view is obscured somewhat by a NYPD logo on the glass door. PO Bessen steps
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closer to \$87(2)(b) who appears to leave the stationhouse. 75th Precinct stationhouse external footage from camera 1 [Board Review 09, timestamps 00:00 to 00:48] captures the view from the exterior of the stationhouse. [87(2)(6)] open the door with his back. He appears to speak to PO Bessen (he is out of camera view) inside the vestibule. PO Bessen comes closer to § 87(2)(b) who is standing with his back to the entrance door. PO Bessen, with his right hand, pushes \$87(2)(6) § 87(2)(b) left hand appears to push PO Bessen's right hand away. PO Bessen unholsters his taser and raises it waist-level, then lowers it. Additional officers, including PO Vallegonzalez and PO Bauer, follow PO Bessen and outside. § 87(2)(b) stated that after PO Bessen told him to "Get the fuck out" the stationhouse, continued to ask for an explanation. PO Bessen told him to get out and walked up to and pushed § 87(2)(b) by his chest. § 87(2)(6) backed up. § 87(2)(6) told PO Bessen to not put his hands on him. § 87(2)(6) began walking out of the stationhouse. stopped by the front door and said, "Or else what?" PO Bessen said, "Or else." 88/(2)(6) walked into the vestibule. PO Bessen walked up to \$87(2)(6) and said, "Are you bucking up on me, boy?" § 87(2)(6) asked what PO Bessen was talking about. PO Bessen told to get out of here. He used two hands to push [87(2)(6) again by his abdomen. anticipated the push and his left hand with force to push one of PO Bessen's hands to the side, causing § 87(2)(6) and PO Bessen to move backwards simultaneously. Outside the stationhouse, PO Bessen drew his taser and pointed it at \$87(2)(6) face and said, "You better take a fucking walk before I tase you." § 87(2)(b) asked him to explain what he did wrong [Board Review 02]. PO Bessen testified that after he told \$87(2)(6) multiple times to leave, he escorted by motioning and pointing and telling him to leave. and irater. § 87(2)(b) initially stood his ground and was not leaving. He eventually went outside. When asked how § 87(2)(b) left, PO Bessen stated that he got closer to \$87(2)(6) until they were almost touching. § 87(2)(6) started to back up. PO Bessen might have guided by putting his hand up. § 87(2)(6) might have stepped closer, and PO Bessen created some distance. § 87(2)(6) was a safety risk given his hostility: he was close to and irate. PO Bessen denied telling § 87(2)(6) "You better fucking walk before I tase you." He did not recall drawing his taser [Board Review 03]. During his interview, PO Bessen was presented with lobby surveillance footage from camera 1 [Board Review 06, timestamps 01:38 to 01:47]. PO Bessen was asked whether he PO Bessen stated that he guided strong pushed PO Bessen's hands away, striking him by his hands and wrist. \$87(2)(6) stepped back. opened the door with his back as he was stepping away from PO Bessen. PO Bessen acknowledged that his right hand was extended as a guiding motion. PO Bessen did not recall whether § 87(2)(b) struck PO Bessen first or PO Bessen made contact to guide him [Board] Review $\overline{03}$]. PO Bessen was also presented with stationhouse exterior footage from camera 1 [Board Review 09, timestamps 00:00 to 00:48]. When asked whether he pushed \$87(2)(6) Bessen said he was guiding \$87(2)(6) out and creating distance because \$87(2)(6) close to him and in PO Bessen's personal space. PO Bessen acknowledged pushing \$57(2)(6) back to create space. Ser(2)(b) smacked PO Bessen's hands away. PO Bessen drew his taser but did not point it at \$87(2)(b) He drew his taser to protect himself and the other officers increased physical violence [Board Review 03]. PO Vallegonzalez testified that 1970/10 was upset PO Bessen told him to leave. spoke loudly and was irate. PO Vallegonzalez was not sure whether \$87(2)(6) walked out of the stationhouse or was guided out. He did not recall PO Bessen pushing toward exit of the stationhouse. PO Vallegonzalez did not recall PO Bessen saying, "You better fucking walk before I tase you" and did not recall PO Bessen pointing his taser at





Mediation, Civil, and Criminal Histories

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- declined to mediate this complaint.

 As of June 6, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident [Board Review 15].

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Investigator:		Inv. Mike Talisayan	3/24/2023		
	Signature	Print Title & Name	Date		
Squad Leader:	Edwin Pena	IM Edwin Pena	03/24/23		
_	Signature	Print Title & Name	Date		